

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) 2:15-CR-100-JAD-(GWF)
)
RICHARD LEE COOK,)
)
Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant RICHARD LEE COOK pled guilty to Count One of a One-Count Criminal Indictment charging him with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 38; Plea Agreement, ECF No. ____.

This Court finds defendant RICHARD LEE COOK agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 38; Plea Agreement, ECF No. ____.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Indictment and the offense to which defendant RICHARD LEE COOK pled guilty.

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1 The following assets are any firearm or ammunition involved in or used in any knowing
2 violation of Title 18, United States Code, Section 922(g)(1), and are subject to forfeiture pursuant to
3 Title 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c):

- 4 1. High Point 995 9mm rifle, serial number A06962;
 - 5 2. Clerke 1st 22 revolver, serial number 089251; and
 - 6 3. any and all rounds of ammunition
- 7 (all of which constitutes "property").

8 This Court finds the United States of America is now entitled to, and should, reduce the
9 aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
11 United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
13 RICHARD LEE COOK in the aforementioned property is forfeited and is vested in the United States
14 of America and shall be safely held by the United States of America until further order of the Court.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
16 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
17 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
18 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
19 name and contact information for the government attorney to be served with the petition, pursuant to
20 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
22 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
23 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
24 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
25 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's

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1 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
2 petition and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
4 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, no later than
5 thirty (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
6 after the first day of the publication on the official internet government forfeiture site,
7 www.forfeiture.gov.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
9 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
10 following address at the time of filing:

11 Michael A. Humphreys
12 Assistant United States Attorney
13 Daniel D. Hollingsworth
14 Assistant United States Attorney
15 Lloyd D. George United States Courthouse
16 333 Las Vegas Boulevard South, Suite 5000
17 Las Vegas, Nevada 89101.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
19 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
20 following publication of notice of seizure and intent to administratively forfeit the above-described
21 property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
23 this Order to all counsel of record.

24 DATED this 6th day of November, 2015.

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UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on November 5, 2015.

/s/ Mary Stolz

Mary Stolz
FSA Paralegal